REMARKS

Applicants acknowledge and thank the Examiner for the indication that the preliminary amendment filed on July 10, 2003 has been entered. Claims 1-7 and 9-24 are pending in the instant application. No new claim amendments have been made. Accordingly, no new matter has been introduced.

In the restriction requirement dated November 23, 2005, the Examiner requested restriction under 35 U.S.C.§121 to one of the following Groups:

Group 1: Claims 1-7 and 9 (in part), drawn to compounds of formula (I) wherein X is pyrimidinyl or tetrahydropyrimidinyl, and pharmaceutical composition thereof, classified in class 514, subclass 300, and class 546, subclass 113;

Group 2: Claims 1 and 9(in part), drawn to compounds of formula (I) wherein X is 1H-pyrrolo[2,3-b]pyridine, and pharmaceutical composition thereof, classified in class 514, subclass 234.5, and class 544, subclass 105;

Group 3: Claims 1 and 9(in part), drawn to compounds of formula (I) wherein X is 2H-pyrido[3,2-b]-1,4-oxazine, and pharmaceutical composition thereof, classified in class 514, subclass 234.5, and class 544, subclass 105;

Group 4: Claims 1 and 9(in part), drawn to compounds of formula (I) wherein X is 2H-pyrido[2,3-b]-tetrahydro-pyrazine, and pharmaceutical composition thereof, classified in class 514, subclass 250, and class 544, subclass 350;

Group 5: Claims 1 and 9(in part), drawn to compounds of formula (I) wherein X is pyrido[2,3-b]-azepine, and pharmaceutical composition thereof, classified in class 514, subclass 212.07, 215, and class 540, subclass 523;

Group 6: Claims 10-12, drawn to a pharmaceutical composition comprising compounds formula (I) and an additional active ingredient, classified in class 514, 540, 544, 546, etc., various subclasses; and

Group 7: Claims 13-24, drawn to various methods of treatment and prevention as well as method of antagonizing $\alpha_v\beta_3$ receptor, and antagonizing dual $\alpha_v\beta_3/\alpha_v\beta_5$ receptors using compounds of formula (I) and an additional active ingredient classified in class 514, 540, 544, 546, etc., various subclasses.

Applicants provisionally elect to prosecute, with the right of traverse, Group I, drawn to compounds of formula (I) wherein X is pyrimidinyl or tetrahydropyrimidinyl, and pharmaceutical composition thereof.

The Applicants seek to traverse the Examiner's restriction requirement. It is the Examiner's position that the compounds of Groups 1-5 are distinct and unrelated. Compounds of these groups are related as alkanoic acid derivatives that are useful a antagonists of the integrin receptors of αvβ3, αvβ5, and αv integrin receptors. The specification unifies the compounds of formula I in that they all are useful for inhibiting bone resorption, treating and preventing osteoporosis, and inhibiting vascular restenosis, diabetic retinopathy, macular degeneration, angiogenesis, atherosclerosis, inflammatory arthritis, cancer, and metastatic tumor growth. Applicants suggest that the criteria delineated in MPEP §§ 806.04, 803.02, and 808.01 are satisfied in that the relatedness of the invention is present and that the restriction requirement is improper.

In addition, Applicants further suggest that the restricted groups are not unrelated inventions subject to restriction by virtue of their classification. For example, Group 1 (compounds where X is pyrimidinyl or tetrahydropyrimidinyl) provisionally elected by the Applicants, is the same classes (Class 514 and 544) as the compounds of Groups 2-5. As these restricted groups are not recognized as being different by being placed in different classes, Applicants suggest that the search required is not an undue burden on the Examiner.

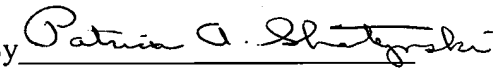
In the event that the Examiner maintains the restriction requirement and subsequently finds the elected species allowable, Applicants respectfully requests that the prior

art search be extended to the extent necessary to determine patentability of the Markush-type claim as is required by MPEP §803.02.

In view of the above remarks, Applicants respectfully request that the restriction requirement be reconsidered and withdrawn or modified appropriately in view of the presently claimed invention.

If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this response to Merck Deposit Account No. 13-2755.

Respectfully submitted,

By 

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